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LETTER DATED 19 MARCH 1993 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to bring to your attention the attached communication which was conveyed to me by the Director General of the International Atomic Energy Agency.

(Signed) Boutros BOUTROS-GHALI

Annex I

Letter dated 18 March 1993 from the Director General of the International Atomic Energy Agency addressed to the Secretary-General

Please find attached the resolution adopted by the Agency Board of Governors today on the implementation of the Safeguards Agreement between the Democratic People's Republic of Korea and the Agency.

Attached also is my report to the Board on the matter.

(Signed) Hans BLIX

Enclosure I

REPORT BY THE DIRECTOR GENERAL ON THE IMPLEMENTATION OF THE RESOLUTION ADOPTED BY THE BOARD ON 25 FEBRUARY 1993 (GOV/2636) AND OF THE AGREEMENT BETWEEN THE AGENCY AND THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA FOR THE APPLICATION OF SAFEGUARDS IN CONNECTION WITH THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS (INFCIRC/403)

Resolution adopted by the Board on 18 March 1993

The Board of Governors,

(a) Recalling its Resolution of 25 February in which the Board called upon the Democratic People's Republic of Korea (DPRK) to give the IAEA access to additional information and to two additional sites with a view to implementing the Safeguards Agreement of May 1992 (INFCIRC/403),

(b) Regretting the absence, so far, of a positive response by the DPRK,

(c) Noting the recent announcement of the DPRK regarding its intention to withdraw from the Treaty on the Non-Proliferation of Nuclear Weapons and the implications for the Safeguards Agreement with the Agency in the DPRK if such withdrawal were to take effect,

(d) Concerned, in particular, that this announcement comes at a time when the IAEA is seeking specific clarifications regarding the correctness and completeness of the initial report on nuclear material submitted by the DPRK,

1. Approves the efforts of the Secretariat to implement the Board's Resolution as reported in GOV/INF/681;

2. Reaffirms its full confidence in the Director General and the Secretariat, and its support for the actions they have taken to implement the Safeguards Agreement with the DPRK in an impartial and an objective manner;

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3. Confirms that INFCIRC/403 remains in force and that it is essential and urgent that the DPRK enable the Agency to take the necessary measures to resolve differences and to ensure verification of compliance with that Safeguards Agreement;

4. Requests the Director General to continue his efforts and dialogue, taking all the appropriate contacts, and to report further on the response of the DPRK to the Resolution of 25 February at a meeting of the Board to be held on 31 March 1993.

Enclosure II

REPORT BY THE DIRECTOR GENERAL ON THE IMPLEMENTATION OF THE RESOLUTION ADOPTED BY THE BOARD ON 25 FEBRUARY 1993 (GOV/2636) AND OF THE AGREEMENT BETWEEN THE AGENCY AND THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA FOR THE APPLICATION OF SAFEGUARDS IN CONNECTION WITH THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS (INFCIRC/403)

1. On 25 February 1993, the Board of Governors adopted a resolution (GOV/2636) which, inter alia, called upon the Government of the Democratic People's Republic of Korea urgently to extend full cooperation to the IAEA to enable the Agency fully to discharge its responsibilities under the Safeguards Agreement concluded between the DPRK and the Agency (INFCIRC/403) and to respond positively and without delay to the Director General's request of 9 February 1993 for access to additional information and two additional sites. The Board of Governors decided that access to the additional information and sites was essential and urgent in order to resolve differences and to ensure verification of compliance with INFCIRC/403. The Director General was requested to continue dialogue with the DPRK with a view toward urgent resolution of the issues, and to report again to the Board of Governors on the matter not later than one month from the date of adoption of the resolution at a further meeting of the Board of Governors to be convened for this purpose.

2. On 26 February, the Director General forwarded the text of the resolution to the DPRK, requesting the co-operation of the DPRK in the implementation of the resolution (Annex II). In particular, the Director General asked hat the DPRK receive an inspection mission that would leave Vienna on 13 March and arrive in Pyongyang on 16 March. The purpose of the mission was to seek additional information required by the Agency and to secure access to the two additional sites referred to in the resolution adopted by the Board.

3. On 10 March, the DPRK informed the Director General that the Government of the DPRK reserved its consideration of the receipt of the inspection team, referring to the resumption of the joint military exercise "Team Spirit" by the United States and the Republic of Korea and the "state of semi war" ordered by the Supreme Commander of the DPRK from 9 March (Annex III).

4. On the same day, the Director General replied to this communication, advising the DPRK that the "state of semi war" could not impede the implementation of the Safeguards Agreement (Annex IV). He further requested the DPRK to consider positively the receipt of the inspection team at the earliest possible date.

5. The Agency received a copy of a 12 March statement by the Government of the DPRK declaring its decision to withdraw from the Treaty on the Non-proliferation of Nuclear Weapons (NPT) as a measure to defend its supreme interests (Annex V). In its statement, the DPRK indicated that this stand would remain unchanged "until the United States stops its nuclear threats against the DPRK and the IAEA Secretariat returns to its principle of independence and impartiality."

6. On 12 March, the Director General wrote to the DPRK taking note of the DPRK's statement and advising the DPRK that the Safeguards Agreement remained in force until any withdrawal took effect (Annex VI). He further noted that a declaration of intention to withdraw from the NPT shall not impede the implementation of the Safeguards Agreement.

7. On 16 March, the DPRK replied to the Director General's communication of 12 March. In its reply, it was stated that because - inter alia - "some officials of the IAEA Secretariat departed from the objectivity and impartiality and joined in a plot of a party in hostilities towards us which is trying to strangle our socialist system", the DPRK "cannot receive the Agency inspection teams" (Annex VII).

8. The Safeguards Agreement with the DPRK provides, in Article 26, that the Agreement shall remain in force as long as the DPRK is a party to the NPT. Pursuant to Article X.1 of the NPT, a State party to the Treaty has the right to withdraw from the Treaty if it decides that extraordinary events, related to the subject matter of the Treaty, have jeopardized the supreme interests of its country. Notice of such withdrawal to all other Parties to the Treaty and to the United Nations Security Council is required three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests. It is clear that the Safeguards Agreement with the DPRK remains in force for three months after notification under Article 26.

Annex II

Communication dated 26 February 1993 from the Director General of the International Atomic Energy Agency addressed to the Minister for Foreign Affairs of the Democratic People's Republic of Korea

As you are aware, the Board of Governors met on 22, 23 and 25 February to consider its agenda item, "Report on the implementation of the Agreement between the Agency and the Democratic People's Republic of Korea for the application of safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons". At the end of its deliberations, the Board adopted the attached resolution without a vote.

Operative paragraph 4 reads as follows:

"Calls upon the Government of the Democratic People's Republic of Korea urgently to extend full co-operation to the International Atomic Energy Agency to enable the Agency fully to discharge its responsibilities under the safeguards agreement and to respond positively and without delay to the Director General's request of February 9, 1993 for access to additional information and two additional sites".

In operative paragraph 5 of the resolution, the Board:

"Decides that access to additional information and two additional sites, referred to in paragraph 4, is essential and urgent in order to resolve differences and to ensure verification of compliance with INFCIRC/403".

Operative paragraph 6 of the resolution:

"Requests the Director General to transmit this Resolution to the Democratic People's Republic of Korea, to continue dialogue with the Democratic People's Republic of Korea with a view toward urgent resolution of the issues above, and to report again to the Board of Governors on the matter not later than one month from the date of adoption of this resolution at a further meeting of the Board of Governors to be convened for this purpose".

I am addressing this telex to you to seek your co-operation in the implementation of that resolution. In particular, I ask you to receive an inspection mission that would leave Vienna on 13 March and arrive in Pyongyang on 16 March. Its principal focus will be to seek additional information required by the Agency as part of its efforts to clarify inconsistencies noted between the DPRK's declarations and the Agency's findings. The information now being sought was discussed in Vienna on 20 and 21 February between a DPRK delegation led by Minister Choi and an Agency delegation led by me. The specifics are contained in a letter of 25 February from Mr. Schuricht, Director of Division of Operations A, Department of Safeguards to Mr. Choi Jong Sun, Director of External Relations, Ministry of Atomic Energy. In order to help prepare for the mission, it would be helpful if, to the extent possible, the requested information could be provided by facsimile to the Agency in advance.

The inspection mission will also be authorized to visit the two sites identified in my telex of 9 February to Minister Choi, namely:

(a) the site which Agency officials visited on 14 September 1992 and which is located east of the Radiochemical Laboratory

(b) the site described in my letter of 15 January to Minister Choi.

I would appreciate an early response to this cable. I very much hope that continuing dialogue between the Agency and the DPRK authorities and full co-operation by the DPRK will lead to full and prompt implementation of the Safeguards Agreement as called for by the Agency's Board of Governors.

Hans BLIX

Annex III

Communication dated 10 March 1993 from the Minister for Atomic Energy of the Democratic People's Republic of Korea addressed to the Director General of the International Atomic Energy Agency

It is to acknowledge the receipt of your telex dated 26 February.

I have several times mentioned our view, position and the solution regarding clarification of "inconsistencies" and access of two additional sites requested by you. Nevertheless some officials in the IAEA secretariat involved in the superpower's strategy against Korea presented the problems which could have been solved without any difficulties through the ad hoc inspections exaggeratedly in difference with reality to the February Board meeting, and thereby the Board adopted the unjust resolution. It is very regretful for us.

Now the United States and south Korean authorities reopened the joint military exercise "Team Spirit" which was ceased and they are conducting the nuclear war exercise mobilizing the large-scale armed forces against us.

In this context our country has been put in the state of semi-war by the order of the Supreme Commander on 8 March 1993, from 9 March.

I have to inform you under such political and military circumstances created in our country that we could not but reserve consideration of the receipt of the inspection team concerning the implementation of the unjust resolution of the February Board meeting.

CHOI Hak Gun
Minister, Ministry of Atomic Energy

Annex IV

Communication dated 10 March 1993 from the Director General of the International Atomic Energy Agency addressed to the Minister for Foreign Affairs of the Democratic People's Republic of Korea

I thank you for your telex of 10 March 1993 replying to my telex of 26 February.

I understand your telex to mean that, as your country has been "put in the state of semi-war", you are not in a position to consider receiving an IAEA inspection team. I am bound to note that this cannot impede the implementation of the Safeguards Agreement.

In its resolution of 26 February, the Board decided that access to additional information and to the two locations referred to in my telex to you of 9 February "is essential and urgent in order to resolve differences and to ensure verification compliance".

In view of the above, I ask you to consider positively the receipt of the IAEA inspection team at the earliest possible date. As you are aware, I am to report again on the matter to the Board not later than one month from the date of the adoption of the resolution.

Hans BLIX
IAEA, Vienna

Annex V*

Statement of DPRK Government

A grave situation has been created today in our country, which threatens its national sovereignty and the security of our State.

The United States and the South Korean Authorities have defiantly resumed the "Team Spirit" joint military exercises, a nuclear war rehearsal against the DPRK, and, in coincidence with this, some officials of the secretariat of the International Atomic Energy Agency (IAEA) and certain member nations following the lead of the United States had a "resolution" adopted at the 25 February meeting of the IAEA Board of Governors, demanding a special inspection of our military sites unrelated to nuclear activities.

This is an encroachment on the sovereignty of the DPRK, an interference in its internal affairs and a hostile act aimed at stifling our socialism. The DPRK Government sharply condemns the reckless nuclear war machinations of the United States and the South Korean Authorities against the Korean people and decisively rejects the unjust resolution of the meeting of the IAEA Board of Governors.

Proceeding from its anti-nuclear, peace policy, the DPRK Government joined the Nuclear Non-Proliferation Treaty (NPT) and has since fulfilled its obligations under the NPT in good faith. It was on the premise that the depository States of the NPT should neither deploy their nuclear weapons on the Korean peninsula nor pose any nuclear threat against the DPRK that the DPRK Government signed the safeguards agreement with the IAEA and accepted the IAEA inspections.

Nevertheless, the United States remains unchanged in continuing its nuclear war threats against the DPRK, far from fulfilling its obligations under the NPT as a nuclear-weapon State to withdraw its nuclear weapons from South Korea and remove its nuclear war threats against the DPRK. The United States still maintains its nuclear weapons in South Korea and continues to reinforce its nuclear storages there with modernized nuclear weapons and equipment.

This serves to prove that the "statements" such as the so-called announcement on the "complete withdrawal of tactical nuclear weapons" by the United States and the "declaration on the absence of nuclear weapons" by the South Korean Authorities were all nothing but a trickery to deceive our people and the world peoples.

Although an agreement on non-aggression was reached between the North and the South and the DPRK has been faithfully fulfilling its international obligations under the NPT and the safeguards agreement, the proposed inspection of the United States nuclear weapons and nuclear bases in South Korea remains yet to be carried out and our people's misgivings about the United States nuclear threats have not yet been dispelled.

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* Previously reproduced in S/25407, annex.

Despite the strong opposition by our people and the world peoples, the United States resumed when the inspection of our country by the IAEA was going on the "Team Spirit" joint military exercises, which it had suspended before the IAEA inspections of the DPRK started, thus openly increasing its nuclear threats.

The "Team Spirit" joint military manoeuvres run downright counter to the idea and purposes of the NPT which calls for respect of territorial integrity and sovereignty and stop to nuclear threat. The resumption of the "Team Spirit" joint military manoeuvres, a nuclear war rehearsal targeted against the DPRK, is driving the situation on the Korean peninsula to such an unpredictable extreme, which has compelled our country to enter a semi-war state.

Still more grave is the fact that the IAEA passed a resolution aimed at forcing a "special inspection" of our military installations, thus joining the United States in its anti-DPRK machinations to "internationalize" the so-called "nuclear problem" of the DPRK and to impose "collective sanctions" and "pressure" on it.

It is on the basis of the "intelligence information "fabricated by the United States, a belligerent party vis-à-vis the DPRK, that some officials of the IAEA secretariat are trying to enforce the inspection of our major military installations which are unrelated to nuclear activities.

As for an inspection of the military installations in question, it has nothing to do at all with the inspections under the safeguards agreement. And it is a matter outside the competency of the IAEA.

If we submissively accept an unjust inspection by the IAEA, it would legitimize the espionage acts by the United States, a belligerent party vis-à-vis the DPRK, and set the beginning of the full exposure of all our military installations. Under our specific conditions in which the country still remains divided and exposed to the constant nuclear threats from the United States, it will be totally inconceivable to lay our military sites open to the enemies.

It is an old method of the United States to satisfy its demands one by one, that is, to demand the opening of one military site today and another tomorrow.

If we refuse to accept the "special inspection" of our military sites, the United States plans to charge the DPRK with "non-implementation of the special inspection" and take the matter to the Security Council of the United Nations so as to impose "collective sanctions" on the DPRK. This is the very scenario which the United States has written in advance.

If we failed to hold in check such conspiracy of the United States and its followers, our entire nation would be driven into confrontation and war and be made a victim of the big Powers.

Some officials of the IAEA secretariat have broken away from their original standpoint of supervising the implementation of the NPT on the basis

of impartiality and strict neutrality. Therefore they can never evade the responsibility for joining the United States in its anti-DPRK manoeuvres.

Some officials of the IAEA secretariat insist so stubbornly on the "inspection" of our military bases, as dictated by the United States, while ignoring our demand for an inspection of the nuclear weapons and nuclear bases of the United States in South Korea. This is obviously an act biased in favour of the United States. A belligerent party vis-á-vis the DPRK.

Moreover, we can hardly repress our indignation at the application of dual criteria by the IAEA, which is putting pressure to bear upon the DPRK on charges of the alleged "nuclear weapons development", while tacitly approving the moves of Japan and South Korea for their nuclear armament.

The accession to the NPT by the DPRK Government was intended to remove the nuclear threats of the United States against the DPRK, never to sacrifice its sovereignty and security for someone's benefit. Because of the imprudent machinations on the part of the United States and its adherent forces, each time we undergo an inspection of the IAEA the nuclear threats against the DPRK increase, and the peace and security on the Korean peninsula is not ensured but disturbed.

All these facts evidently show that the United States, those forces hostile to the DPRK and some officials of the IAEA secretariat are misapplying the NPT to jeopardize the sovereignty and security of our country, a non-nuclear-weapon State, and stifle our socialist system.

Under such abnormal situation prevailing at present, we are no longer able to fulfil our obligations under the NPT.

The Government of the Democratic People's Republic of Korea declares its decision to withdraw unavoidably from the Nuclear Non-Proliferation Treaty as a measure to defend its supreme interests.

The withdrawal from the NPT is a well-justified self-defensive measure against the nuclear war manoeuvres of the United States and the unjust act of some officials of the IAEA secretariat against the DPRK. The DPRK's principled stand will remain unchanged until the United States stops its nuclear threats against the DPRK and the IAEA secretariat returns to its principle of independence and impartiality.

The United States must give up its outdated way of thinking of the cold war era and immediately stop the "Team Spirit" joint military exercises, a nuclear war rehearsal, and refrain from manipulating the IAEA to discredit and strangle the non-nuclear-weapon States.

Even if the United States, the forces hostile to the DPRK and some officials of the IAEA secretariat threaten us with the "special inspection" or a certain "measure", we will never be frightened in the least. No robber-like argument and strong-arm acts will go down with us. Whatever "military threat", "political and ideological offensive" or "blockade" cannot block the march of our people.

The DPRK Government's policy of using nuclear energy for peaceful purpose remains unchanged and our people will continue to make every effort to turn the Korean peninsula into a nuclear weapon-free zone.

We avail ourselves of this opportunity to express our thanks to many IAEA member States and a number of the members of the IAEA Board of Governors cherishing international justice for their support and sympathy for the just stand of the DPRK.

Our rejection of the unjust "resolution" forced by the United States upon the meeting of the IAEA Board of Governors is meant to defend our country's sovereignty and at the same time to safeguard the common interests of the developing countries.

The Government of the Democratic People's Republic of Korea and the Korean people are convinced that the Governments and peoples of the countries of the world that value peace and justice will pay a profound attention to the serious situation on the Korean peninsula and extend their support and solidarity to the self-defensive measure of the DPRK Government.

Annex VI

Communication dated 12 March 1993 from the Director General of the International Atomic Energy Agency addressed to the Minister for Foreign Affairs of the Democratic People's Republic of Korea

The Agency has received, from the DPRK Permanent Mission in Vienna, a copy of your Government's statement of 12 March declaring its decision to withdraw from the Treaty on the Non-Proliferation of Nuclear Weapons (NPT).

I expect to report very soon to the Board of Governors of the IAEA on the implications for the Safeguards Agreement between the IAEA and the DPRK of such a grave step. The justification for a withdrawal will certainly be seriously considered by the Parties to the Treaty. For the IAEA, which is responsible for the implementation of safeguards in the DPRK, under the Agreement concluded pursuant to Article III of the NPT, I am bound to point out that the Treaty and the Safeguards Agreement remain duly in force until any withdrawal takes effect, i.e. after three months advance notice to all other Parties and to the United Nations Security Council.

It follows that a declaration of intention to withdraw from the NPT shall not impede the implementation of the Safeguards Agreement. My request contained in my telex of 10 March that you "consider positively the receipt of the IAEA Inspection Team at the earliest possible date" therefore still stands.

I can assure you that the Agency will continue as always to implement the Safeguards Agreement with objectivity and impartiality. The sole objective is to seek clarity about the nuclear activities in the DPRK subject to safeguards.

Hans BLIX

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Annex VII

Communication dated 16 March 1993 from the Minister for Atomic Energy of the Democratic People's Republic of Korea addressed to the Director General of the International Atomic Energy Agency

I acknowledge the receipt of your telex of 12 March. It was agreed at our several meetings that the problems raised in the implementation of the safeguards agreement should be solved through consultations, and at that time, you recognized that any mistake could be made in Agency inspection and said that Agency would review it again since "principal inconsistencies" are not the matter unable to be clarified.

Nevertheless, before doing reviews and consultations you submitted "inconsistencies" which do not exist to some Member States without agreement with us and thus internationalized the matter of the implementation of our safeguards agreement, neglecting our sincere efforts for clarification of the "inconsistencies".

Moreover the nuclear threat by the U.S. against our country is being increased and "Team Spirit" joint military exercises, a nuclear war manoeuvre which was suspended are resumed and in conclusion with this, you submitted to the February Board meeting the report which is quite different from the real situation using the "intelligence information" fabricated by a third party and thus enabled the Board of Governors to adopt the unjust resolution of "special inspection" concerning our military sites not relevant to nuclear activity. This is a clear evidence showing that you joined in the plot of hostile country, a party in hostilities towards us which is trying to make our military sites open, to disarm us and thereby to strangle our socialist system.

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The Government of the DPRK declared solemnly to withdraw from NPT on 12 March, because the increased nuclear threat by the U.S. against our country and unjust resolution adopted at the February Board meeting jeopardized the sovereignty of our nation and the supreme interests of our country. One of the major reasons for withdrawal from NPT is that some officials of the IAEA Secretariat departed from the objectivity and impartiality and joined in a plot of a party in hostilities towards us which is trying to strangle our socialist system.

In such circumstances, I make it clear that we cannot receive the Agency inspection teams.

I think you can never extricate yourself from the responsibility for all consequences resulting from this.

I ask you to circulate to the Governor's Member States this letter including my letters to you dated 14 and 27 January, 15 February and 10 March.

CHOI Hak Gun

Minister of Atomic Energy, DPRK